REMARKS

In response to the Office Action dated January 18, 2007, claims 1, 14, 18, 22, 35 and 42 have been amended.   Claims 1-52 are in the case. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action rejected claims 1-52 under 35 U.S.C. 112, first paragraph as allegedly failing to comply with the written description requirement.

The Applicants respectfully traverse this rejection and submit that the subject matter of the claims comply with 35 U.S.C. 112, first paragraph. However, the Applicants have replaced the rejected elements from the claims with clarification language to more clearly define the claims, and thus, this rejection is moot.

The Office Action rejected claims 1-17 and 42-48 under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter.

In response, the Applicants have amended applicable claims as suggested by the Examiner to overcome these rejections.

The Office Action objected to claims 22-27 as allegedly being of improper dependent form.

In response, the Applicants have amended applicable claims as suggested by the Examiner to overcome these rejections.

The Office Action rejected claims 1-52 under 35 U.S.C. 103(a) as allegedly being unpatentable over Wolff (U.S. Patent No. 6,833,848) in view of Bhetanabhotla (U.S. Patent Publication No. 2002/0167538).

The Applicants respectfully traverse this rejection based on the amendments to the claims and the arguments below.

The Applicants' independent claims now include automatically separating non-time stamped media elements, automatically overlapping media elements that were recorded contemporaneously and media elements with changed time stamps that overlap time stamps of other media elements, automatically composing the

initial presentation by sorting identified media elements according to selected control settings and enabling a user to place the non-time stamped media elements in the presentation after the initial presentation is automatically created. Also, claims 1, 14, 18 further include that the control settings have a beginning or end timeline location for non-time stamped media elements.

Support for the newly amended claims can be found throughout the specification and at least in FIGS. 1-3 and paragraphs [0032], [0036], [0038] and [0041] - [0043] of the Application specification (U.S. Patent Publication No. 2004/0205479). For example, paragraph [0036] explicitly states that "...the presentation creation system 110 **automatically composes an initial presentation by sorting the identified media elements** from block 206 according to the selected control settings from block 204....The term **"automatically" in this context indicates the ability to create a presentation without further input from the user** after the user indicates completion of the media element identification process of block 206 or that they have completed the editing process of block 214." [emphasis added].

In addition, paragraph [0038] of the Applicants' specification explicitly states that if "...there are image elements, such as digital still images and digital vid-images, that do not have time stamps, the presentation creation system 110 may place the non-stamped image elements **at the beginning, or end**, of the initial presentation according to a **control setting** determined in block 204. Alternatively, the presentation creation system 110 may **separately group the non-stamped image** elements for **the user to place in the presentation in a later step**, such as the editing of block 214. The presentation creation system 110 completes the composition of the image-track when the images from the media elements identified in block 206 are all placed on the image-track or grouped for insertion in another block of the process." [emphasis added].

Also, paragraph [0043] explicitly states that "...some image boxes, such as first image box 310 and second image box 312, **may overlap** on the image line 304. **Such overlaps may occur if, for example, but not limited to, the image elements were recorded contemporaneously, or if the time stamp associated with the image element has been changed in block 206, or if the time stamp was changed** due to an edit in block 214. In these situations, the image elements

may have overlapping time stamps associated with the digital data corresponding to the image elements." [emphasis added].

In contrast, the combined cited references do **not** disclose, teach or suggest all of these features of the Applicants' newly claimed invention. Specifically, the combined references simply disclose computer software for, in general, storing, authoring and viewing forms of digital media (see of Abstract of Wolff) and organizing hierarchical information collections that are like virtual cabinets with files that have time stamped dates (see Abstract of Bhetanabhotla). Although the combined references disclose the arranging of media elements sequentially and using the time stamps of the files (see paragraph [0018] of Bhetanabhotla), the combined references are missing at least the newly amended feature of the Applicants' claimed invention which automatically separates non-time stamped media elements for later inclusion.

Namely, the combined references are missing the Applicants' **automatically separating non-time stamped media elements, automatically overlapping media elements that were recorded contemporaneously** and media elements **with changed time stamps that overlap time stamps of other media elements** and **enabling a user to place the non-time stamped media elements in the presentation after the initial presentation is automatically created.** Also, with regard to claims 1, 14, 18, the combined references are missing control settings with **a beginning or end timeline location for non-time stamped media elements.**

Therefore, since the combined references are missing features of the Applicant's claimed invention, the combined references cannot render the Applicant's invention obvious. This failure of the cited reference to disclose, suggest or provide motivation for the Applicant's claimed invention indicates a lack of a prima facie case of obviousness and, thus, the rejections should be withdrawn (MPEP 2143).

With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to

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withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (818) 885-1575 if the Examiner has any questions or concerns. Please note that all correspondence should continue to be directed to:

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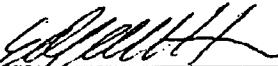
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